

Appl. No. 10/005,972
Response Dated September 14, 2005
Reply to Office Action of June 14, 2005

REMARKS

Specification

The specification has been amended to correct minor editorial problems as requested by the Office Action. In particular, the specification has been amended to include a summary and amended abstract as requested by the Office Action.

Summary

Claims 1-28 stand in this application. Independent claims 1, 9, 15, 17, 22 and 26 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested

Double Patenting

Claims 1, 9, 17, 22 and 26 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of United States Patent Number (USPN) 6119171 (Alkhatib). According to Section 804 of the MPEP, "before consideration can be given to the issue of double patenting, there must be some common relationship of inventorship and/or ownership of two or more patents or applications." The instant application and Alkhatib do not share common inventorship. Furthermore, it appears that Alkhatib is owned by David and Diana Sun according to the Public PAIR system, whereas the instant application is owned by Intel Corporation. Therefore the instant application and Alkhatib appear to not share common ownership. Accordingly, it appears that the judicially created doctrine of obviousness-type double

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patenting rejection is improper in this case. Removal of this rejection is respectfully requested.

Provisional Double Patenting

Claims 1, 9, 17, 22 and 26 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/015959 (the "'959 Application"). Applicant does not have access to a copy of the '959 Application to respond to this rejection. Removal of this rejection is respectfully requested.

35 U.S.C. § 102

At page 4, paragraphs 7-24 of the Office Action claims 1, 2, 3, 4, 8, 9, 13-18, and 22-28 stand rejected under 35 U.S.C. § 102 as being anticipated by Alkhatib. Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended independent claims 1, 9, 15, 17, 22 and 26 in order to facilitate prosecution on the merits. Applicant submits that the amendments merely clarify, either expressly or impliedly, what was already present in the claims. More particularly, independent claims 1, 9, 15, 17, 22 and 26 were amended to recite using "a set of heuristics."

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102, the cited reference must teach every element of the claim. See MPEP § 2131, for

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example. Applicant submits that the Alkhatib reference fails to teach each and every element recited in claims 1, 9, 17, 15, 22 and 26 and thus they define over the Alkhatib reference. For example, with respect to claim 1, the Alkhatib reference fails to teach, among other things, the following language:

selecting one of said internal addresses using a set of
heuristics....

According to the Office Action, this language is disclosed by the Alkhatib reference at column 13, lines 24-55, the Abstract, and FIG. 10 item 502. Applicant respectfully disagrees. The Alkhatib reference at the given cite, in relevant part, states

FIG. 10 describes the steps performed by DNR 138 when it receives the IP packet from host 150. In step 502, DNR 138 receives the IP packet. In step 504, DNR 138 identifies the destination's domain name from the packet. Identifying the domain name could include looking for the domain name in the header, data portion or other location in an IP packet, TCP segment, application data, etc. Identifying the domain name may include reading an ASCII string. Alternatively, if the domain names are compressed, encrypted, encoded, etc., then DNR 148 would need to decode, decompress, unencrypt, etc. In step 506, DNR 138 translates the destination domain name to a local address and in step 508 the packet is routed to the destination with the local address.

As indicated above, DNR 138 needs to unencrypt a packet prior to routing the packet to a destination with a local address. In contrast, the claimed subject matter performs routing without decrypting a packet, as indicated by "communicating said encrypted packet to said selected internal address" as recited in claim 1. Although Applicant submits that this distinction is already present in originally submitted claim 1, claim 1 has been amended to clarify this distinction. Claim 1 as amended recites "selecting one of said internal addresses using a set of heuristics." The language of "a set of heuristics" emphasizes that the packets are routed to their destination in encrypted form without being decrypted.

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Alkhatib fails to describe a heuristic in any context, let alone for "selecting one of said internal addresses using a set of heuristics" as recited in claim 1. Consequently, the Alkhatib reference fails to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 2-4 and 8, which depend from claim 1, and therefore contain additional features that further distinguish these claims from the Alkhatib reference.

Independent claims 9, 15, 17, 22 and 26 recite features similar to those recited in claim 1. Therefore, for reasons analogous to those presented with respect to claim 1, Applicant respectfully submits that independent claims 9, 15, 17, 22 and 26, and dependent claims 13, 14, 16, 18, 23-25, 27 and 28 which depend directly or indirectly therefrom, are not anticipated and are patentable over the Alkhatib reference. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to these claims.

35 U.S.C. § 103

At page 9, paragraph 26 claims 5-7, 10-12, and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Alkhatib reference in view of EP 1130846 A2 (Nexland). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

Claims 5-7, 10-12, and 19-21 depend from one of independent claims 1, 9, 15, 17, 22 and 26. The Alkhatib reference fails to disclose all the elements of independent

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claims 1, 9, 15, 17, 22 and 26 as previously discussed. Furthermore, Nexland fails to recite the missing elements. Claims 5-7, 10-12, and 19-21 are therefore non-obvious and patentable over the Alkhatib reference and Nexland, taken alone or in combination, for at least the same reasons given for claims 1, 9, 15, 17, 22 and 26. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to these dependent claims.

Conclusion

For at least the above reasons, Applicant submits that claims 1-28 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-28 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

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The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

s/John F. Kacvinsky/s

John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

 _____ 9/14/05
Deborah L. Higham Date

Dated: September 14, 2005

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